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SUBJECT: GOI BANS CHEMICAL WEAPONS AS PART OF BROADER
COMPLIANCE EFFORT

Classified By: Pol/C Joseph Legend Novak, reasons 1.4(b+d).

¶1. (C) SUMMARY: The Indonesian parliament has passed legislation to implement commitments under the Chemical Weapons Convention (CWC). The legislation is a welcome step which improves Indonesia's export control regime and imposes stiff criminal penalties for proscribed uses. As part of a broader compliance effort, Indonesia plans to introduce similar legislation governing biological, nuclear and possibly missile technology. END SUMMARY.

NEW LEGISLATION

¶2. (U) The Indonesian parliament (DPR) passed legislation on February 19 to implement Indonesia's commitments under the Chemical Weapons Convention (CWC). President Yudhoyono is expected to sign the legislation into law shortly. Indonesia signed and ratified the CWC in 1998, a year after it entered into force. Implementation has gone slowly, however, and the new legislation is a welcome victory for the nonproliferation team in the Office of Disarmament and International Security in the Department of Foreign Affairs (DEPLU), which worked for years to push the legislation through the DPR. It was a long process: drafting began in 2001 and the bill was submitted to the DPR in 2006.

¶3. (U) A DEPLU press release on the DPR action states that the law prohibits development, production, acquisition, stockpiling, retention, transfer and use of chemical weapons, including their use for military purposes and riot control, consistent with the CWC. It notes that the law further regulates the use of chemicals for peaceful purposes through a formal licensing process and stipulates criminal penalties for violations.

¶4. (C) The legislation is a major step forward in all of these areas. It leaves in place but updates import-export regulations and a list of controlled chemicals. It tightens the existing commercial licensing process managed by the Department of Trade. Most important, DEPLU contacts stress,

it imposes penalties where none existed previously. The penalties are stiff, including fines up to 15 billion rupiah (\$1.7 million), imprisonment for three to 15 years, and death for the most severe cases (where human life is endangered).

PART OF BROADER COMPLIANCE EFFORT

¶ 15. (C) The legislation is part of a multi-year effort by the Indonesian government to put Indonesia's nonproliferation regime into compliance across the board. It represents a first installment, according to DEPLU contacts, which will be followed by similar legislation on biological, nuclear and conventional weapons and possibly missile technology. In the process, Indonesia's export control regime is slated to become more uniform and more consistent with current international practice. Two elements of that are a better integrated interagency control process and DEPLU's leading role in coordinating that process.

¶ 16. (C) DEPLU experts involved in the drafting of Indonesia's nonproliferation legislation say Indonesia is still about two years away from the adoption of similar legislation regarding Indonesia's commitments under the Biological Weapons Convention (BWC). A draft was circulated in early 2007 to the Ministries of Health and Defense for comment. Given the difficulty of detection and verification, the BWC legislation only covers weapons development, our contacts note, and uses criminal penalties rather than a licensing process as the main means of control.

¶ 17. (C) Next to follow would be legislation on the nuclear front. The Nonproliferation Treaty (NPT) does not specifically require implementing legislation, DEPLU contacts

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note, but Indonesia needs such legislation in order to fulfill its obligations under the International Atomic Energy Agency (IAEA). Conventional weapons and missile technology are also on the agenda. Indonesia's 1951 law on firearms is woefully out of date, DEPLU contacts note, and must be replaced with modern controls on conventional weapons, including landmines and other recent additions to the field.

ADVANCING POLICY GOALS

¶ 18. (C) The passage of the CWC implementing legislation is a welcome step, representing as it does a long-term effort to bring Indonesia's export control regime into line with its international commitments. As far as Mission is aware, Indonesia possesses no chemical weapons. That said, Indonesia's ability to control this area effectively will contribute to U.S. and international nonproliferation objectives. Although the controls pertain primarily to what happens within Indonesia's national borders, it puts Indonesia a step closer to being able to enforce nonproliferation regimes within its (vast) archipelagic waters.

¶ 19. (C) In preparing the legislation for these projects, Indonesia has received assistance from a number of countries and international organizations. The USG conducted a seminar on biological weapons issues in early 2007. Australia has also been active, providing workshops for the CWC legislation, co-hosting a bilateral workshop on application of the BWC in Southeast Asia and offering preliminary assistance regarding missile technology proliferation. Japan and the Organization for the Prohibition of Chemical Weapons (OPCW) also provided help on the CWC legislation,

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